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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:12524 of 2006

DATED: 23-08-2006

Between:

The Commissioner, Bodhan Municipality, Bodhan, Nizamabad District

..... PETITIONER

AND

1. P.Pradad and 8 others

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice B.Prakash Rao)

Heard both sides, and at their request, the main writ petition itself is taken up for disposal.

The petitioner, which is the Municipality, seeks to assail the orders dated 16-03-2006 in O.A.No.7895 of 2001 on the file of the Administrative Tribunal, Hyderabad, passed at the instance of the respondents herein wherein they filed an application under Section

19 of the Administrative Tribunals Act seeking only to release the periodical increments from the date of payment of minimum time scale as it was done in the case of others who are working in different Municipalities.

The Tribunal, after contest, allowed the said application following the principles referred in 1990 FLR 575 and directed to release the periodical increments to the applicants, wherever such increments were not released and also to pay arrears within a period of three months from the date of receipt of a copy of the order. A further direction was also given to revise the pay scales of the applicants, wherever such revision of pay scales was not granted and paid.

Learned Standing Counsel appearing on behalf of the petitioner submits that having regard to the principles laid down in **Secretary of State of Karnakata v. Umadevi**[1]**,** the respondents would not entitle to any such relief as sought for unless their services are regularized.

Learned counsel for the respondents submits that either in the prayer or in the relief granted, there is no request as such for regularization, therefore, there is no need to interfere in the said order.

Having heard the learned counsel on both sides and also on

perusal of the material on record, we are of the opinion that there being absolutely no relief sought for in regard to the regularization of service to apply the principles as laid down in **Umadevi**[1] and the only relief sought for is in regard to payment of arrears and there is no dispute in that regard and the respondents are still working. In view of the same, we do not find any warrant to interfere in the order of the Tribunal. No merits in the writ petition.

Accordingly, the writ petition is dismissed. However, in the circumstances, without costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

23rd August, 2006

NOTE:

Furnish C.C. within one week.
B/o.
SKM

[1] 2006 (4) SCC 1